REMARKS

The Office Action mailed on April 4, 2006 has been given careful consideration by applicant. Reconsideration of the application is requested in view of the amendments and comments herein. Paragraphs [0001], [0079], [0082], and [0090] of the Specification have been amended. Claim 11 has been amended.

The Office Action

The disclosure is objected to because a U.S. Patent Application serial number is absent from the specification and because the specification fails to provide proper antecedent basis for the claimed subject matter;

Claims 11-19 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter;

Claims 1-2, 4-5, 10-12, 14-15, and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by Simske (U.S. PG Publication No. 2004/0133560) (hereafter Simske);

Claims 3, 6-7, 13, and 16-17 are rejected under 35 U.S.C. §103(a) as being anticipated by Simske in view of Kubota (U.S. Patent No. 6,041,323);

Claims 9 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Simske in view of Drissi et al. (U.S. PG Publication No. 2003/0149686); and

Claims 8 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Simske.

Objection

The Examiner has objected to the disclosure because a U.S. Patent Application serial number is absent from the specification. In addition, the disclosure is objected to because of failure to provide proper antecedent basis for the claimed subject matter. The disclosure has been amended herein on pages 2-3 to cure such informalities. Thus, it is respectfully requested that this objection be withdrawn.

Non-Statutory Subject Matter Rejection

The Examiner has rejected claims 11-19 under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection should be withdrawn for at least the following reasons. Independent claim 11 (and claims 12-19 which depend therefrom) has been

amended herein to recite a computer-based system that produces a concrete, tangible and useful result. "[I]t is now clear that computer-based programming constitutes patentable subject matter so long as the basic requirements of §101 are met...[T]he focus is understood to be not on whether there is a mathematical algorithm at work, but on whether the algorithm-containing invention, as a whole, produces a tangible, useful, result." *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 50 USPQ2d 1447, 1454 (Fed. Cir. 1999).

As amended, independent claim 11 recites a computer-based system that receives a first list of keywords from a first document and a second list of keywords from a second document. The lists are compared and a first and a second percentage are computed that relate to the similarity of the first and second list. The first and second percentages computed and output from this computer-based system have a tangible value that is useful to compare one document to another. As recited, the first percentage is used to specify the measure of similarity when the second computed percentage is greater than the first computed percentage. This result recited by independent claim 11 (and thus, claims 12-19 which depend therefrom) meets the requirements set forth under 35 U.S.C. §101 and this rejection should be withdrawn.

Moreover, there is adequate structure provided in the specification to support the means-plus-function limitations recited in independent claim 11. Means for receiving lists of rated keywords extracted from documents is disclosed at least in paragraph 0032 of the specification. "[T]he best keywords are identified therein by best keyword identifier 124...a keyword translator 126 translates the keywords before providing them to search module and results analyzer 128."

Means for using lists of keywords to determine whether the first document forms part of the second document using a first percentage, means for computing a second percentage indicating what percentage of keyword ratings along with a set of their neighboring keyword ratings in the first list also exist in the second list and means for using the first computed percentage to specify the measure of similarity when the second computed percentage is greater than the first computed percentage are disclosed at least in paragraphs 0033 and 0034 of the specification. "[A] query is developed by search module and results analyzer 128 using the best keywords identified at 210 and a search is conducted to identify similar documents using the developed query"; "[A]t 212, the results

of the search are stored in document store 130 by search module 128 and analyzed by results analyzer 128."

Anticipation Rejection

The Examiner has rejected claims 1-4, 6-7 and 10-22 under 35 U.S.C. §102(b) as being anticipated by Simske. This rejection should be withdrawn for at least the following reasons. Simske does not teach or suggest the subject invention as set forth in the subject claims.

Independent claim 1 (and similarly independent claims 11 and 20) recites a method for computing a measure of similarity between a first (or input) document and a second (or search results) document. A first list of received rated keywords is extracted from the first document and a second list of rated keywords extracted from the second document. The first and second lists of rated keywords are used to determine whether the first document forms part of the second document using a first computed percentage indicating what percentage of keyword ratings in the first list also exist in the second list. A second percentage is computed that indicates what percentage of keyword ratings along with a set of their neighboring keyword ratings in the first list also exist in the second list when the first computed percentage indicates that the first document is included in the second document. The first computed percentage is used to specify the measure of similarity when the second computed percentage is greater than the first computed percentage. Simske does not teach or suggest such claimed aspects of the subject invention.

More particularly, Simske does not teach or suggest using keywords to determine whether a first document forms part of a second document using a first computed percentage that indicates what percentage of keyword ratings in the first list also exist in the second list. Instead, as admitted by the examiner, Simske utilizes shared word weights to compare one document to another. This comparison employs one or more of a mean, a maximum and a minimum shared word weight to determine if one document is similar to one or more disparate documents. Simske, paragraph 54. There is no mention, and Simske does not contemplate using a percentage of keyword ratings in a first list to compare to a percentage of keyword ratings in a second list. The shared word weight employed by Simske is related to the type of word (e.g., noun, verb, adjective, etc.), the text font (e.g., boldface, italics, etc.), layout, etc. Simske, paragraphs 29-33. Simske does

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not teach or suggest computing a keyword rating percentage of any type. Further, there is no mention of utilizing such keyword rating percentage to indicate a percentage of keyword ratings in one list (e.g. from a first document) to a second list (e.g., from a second document).

Furthermore, Simske does not teach or suggest a second percentage that is computed that indicates what percentage of keyword ratings along with a set of their neighboring keyword ratings in the first list also exist in the second list when the first computed percentage indicates that the first document is included in the second document. Instead, Simske teaches computing a mean shared weight of extended words. The mean shared weight is a sum of all word weight values divided by the number of documents to produce a mean value of all relevant word weights. This is not a percentage value that indicates what percentage of keyword ratings along with neighboring keyword ratings in a first list also exist in a second list when a first computed percentage indicates that a first document is included in a second document, as recited in the subject claims. Instead, it is an average computation that produces a mean value of one or more word weights.

Moreover, Simske does not teach or suggest a first computed percentage used to specify the measure of similarity when the second computed percentage is greater than the first computed percentage. There is no mechanism taught in Simske to determine when a second percentage of keyword ratings in greater than a first percentage. Further, Simske does not teach or suggest a first computed percentage that is used to specify a measure of similarity between documents as discussed above.

For at least the aforementioned reasons, Simske does not teach or suggest the subject invention as recited in independent claims 1, 11, or 20 (or claims 2-10 and 12-19 which respectively depend therefrom). Accordingly, withdrawal of this rejection is respectfully requested.

First Obviousness Rejection

The examiner has rejected claims 3, 6-7, 13, and 16-17 under 35 U.S.C. §103(a) as being anticipated by Simske in view of Kubota (U.S. Patent No. 6,041,323). This rejection should be withdrawn for at least the following reasons. Claims 3, 6-7, 13, and 16-17 depend from independent claims 1 and 11 respectively, and the field of invention does not

make up for the aforementioned deficiencies of Simske regarding first and second lists of rated keywords used to determine whether the first document forms part of the second document using a first computed percentage indicating what percentage of keyword ratings in the first list also exist in the second list; a second percentage computed that indicates what percentage of keyword ratings along with a set of their neighboring keyword ratings in the first list also exist in the second list when the first computed percentage indicates that the first document is included in the second document; and a first computed percentage used to specify the measure of similarity when the second computed percentage is greater than the first computed percentage. Thus, for at least the reasons discussed above with respect to claims 1, 11 and 20, the combination of Simske and Kubota do not teach or suggest the subject claims. Accordingly, the rejection of these claims should be withdrawn.

Second Obviousness Rejection

The examiner has rejected claims 9 and 19 under 35 U.S.C. §103(a) as being unpatentable over Simske in view of Drissi et al. (U.S. PG Publication No. 2003/0149686). This rejection should be withdrawn for at least the following reasons. Claims 9 and 19 depend from independent claims 1 and 11 respectively, and the field of invention does not make up for the aforementioned deficiencies of Simske regarding first and second lists of rated keywords used to determine whether the first document forms part of the second document using a first computed percentage indicating what percentage of keyword ratings in the first list also exist in the second list; a second percentage computed that indicates what percentage of keyword ratings along with a set of their neighboring keyword ratings in the first list also exist in the second list when the first computed percentage indicates that the first document is included in the second document; and a first computed percentage used to specify the measure of similarity when the second computed percentage is greater than the first computed percentage. Thus, for at least the reasons discussed above with respect to claims 1, 11 and 20, the combination of Simske and Drissi do not teach or suggest the subject claims. Accordingly, the rejection of these claims should be withdrawn.

Third Obviousness Rejection

The examiner has rejected claims 8 and 18 under 35 U.S.C. §103(a) as being unpatentable over Simske. This rejection should be withdrawn for at least the following

reasons. Claims 8 and 18 depend from independent claims 1 and 11 respectively and, as noted above, Simske does not teach or suggest regarding first and second lists of rated keywords used to determine whether the first document forms part of the second document using a first computed percentage indicating what percentage of keyword ratings in the first list also exist in the second list; a second percentage computed that indicates what percentage of keyword ratings along with a set of their neighboring keyword ratings in the first list also exist in the second list when the first computed percentage indicates that the first document is included in the second document; and a first computed percentage used to specify the measure of similarity when the second computed percentage is greater than the first computed percentage. Thus, for at least the reasons discussed above with respect to claims 1, 11 and 20, Simske does not teach or suggest the subject claims. Accordingly, the rejection of these claims should be withdrawn.

CONCLUSION

For the reasons detailed above, it is submitted that the claims in the subject application are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Mark Svat, at Telephone Number (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,
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8/4/06

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